

## The First 50 Women in Idaho Law

### MARY JENSEN SMITH OLDHAM

July 25, 1935  
(1912 – 2002)



**Mary Jensen Smith Oldham** was born on November 19, 1912, in Mendon, Utah, the second of six children born to Clement Van Noy Smith and Sibyl (Jensen) Smith. She grew up in Sunnyside, Idaho and attended school in Rexburg. As an eight-year-old girl, Oldham sat in on a trial in Rexburg and immediately decided to become a lawyer.

Oldham attended the University of Idaho, although her schooling was interrupted when she came home to support her family through the Depression. Nonetheless, she kept her hand in the law by working as a legal secretary at several local firms. Oldham studied an approved course of law under the guidance of C. J. Taylor (later an Idaho Supreme Court Justice), and eventually graduated from the University of Idaho in 1935. Shortly thereafter, she was admitted as the tenth woman to practice law in Idaho on July 25, 1935 at the age of 21.

*The Idaho Daily Statesman* announced Oldham's admission with a story entitled "Pretty Mary Smith Becomes Member of Idaho State Bar":

Mary Smith, winsome lass from Rexburg, Thursday took the oath as a member of the state bar, before Justice Raymond L. Givens . . . The members and attaches of the court . . . kept their minds on the details of the ceremony with a certain degree of difficulty. But in spite of the extremely attractive appearance of the new member all the forms were complied with.

Miss Smith, however, is a pronounced feminist, and she told interviewers that she saw no reason why her admission should be treated any differently from that of men.

When asked to comment on the impact of women being admitted to the bar, Oldham responded:

It is inconceivable that we will damage the legal profession. Some people say that we are grand and noble in our own sphere, but that outside of it we are misfits; but if we are what the testimony shows us to be and the legal profession is what it is believed to be, it should be only a short time till we are as numerous in the various professions as are the men.

After being admitted, Oldham returned to Rexburg and worked with other lawyers until she joined the practice of famed southeastern Idaho attorney W. Lloyd Adams. Initially, Oldham did legal work and all the secretarial work for both of them. Oldham later reminisced that working with Adams was a pleasure and a challenge, for he was a brilliant, highly driven man with lots of energy. Oldham watched, learned and often sought advice from him.

In 1939, Oldham became the second Idaho woman to be admitted to practice before the United States Supreme Court (M. Pearl McCall was the first in 1924).

A young woman lawyer in Rexburg in the 1930s and 1940s attracted a lot of attention and Oldham's first clients came to her "mainly out of curiosity." Her practice was a general one, although she did a lot of family law over the years. Women would come to her because they felt more comfortable talking with another woman. Men, too, sought her legal counsel in family law matters. In fact, Oldham recalled that one of her most unusual cases was the representation of a husband in a divorce:

Usually it's the women that have this problem . . . A man came in, he was all bruised and bleeding, and he wanted to get a divorce because his wife had beaten him up. He said, "I even crawled under the bed, and she reached under and pulled me out!" . . . I went ahead and got him a divorce, and got him a restraining order against his wife so that she would leave him alone -- she couldn't follow him and beat him up!

Oldham also did a lot of trial work, which was quite unusual for a woman lawyer at the time. Oldham recalled her first murder trial, which took place after World War II. She helped represent a young Japanese American veteran who had been at the front of the battle lines in Italy. He and his father shared the same bed at home after he came home from the war. The young man was suffering from battle fatigue, and had severe nightmares about his war experiences. One night he reached over in his sleep and killed his father. Oldham defended him successfully, using the relatively new insanity defense. She had several psychologists testify as to her client's state of mind and the young man was eventually sent to the mental hospital in Blackfoot.

Marriage and family came into Oldham's life after she was well established in her law practice. She married Volney Oldham, who sold insurance and owned the Park Lanes Bowling Alley in Rexburg, on July 29, 1949, in Butte, Montana and immediately became the mother of two pre-teen children (L. B. Oldham and Mary Lee Sellers). The couple had two daughters (Francie Murphy and Nancy Atwood). Oldham carried on her legal work, under her maiden name of Smith, after the children were born, setting up a bassinet in her office. Later, her mother cared for Oldham's children at home. Oldham remembers no negative reaction from the community towards her working and raising a family; clients and other lawyers often enjoyed seeing the baby when they did business at her office.

During her sixty plus years of active practice Oldham served as Rexburg City Attorney for forty years, as Sugar City Attorney for thirty-six years and as legal counsel for the Fremont-Madison Irrigation District for decades. Her work for the Irrigation District caused her to become involved in lobbying in Washington, D.C. for the Teton Dam and, after it was built, to be very active in dealing with the many issues that arose when the dam failed in 1976. Oldham was active in the Idaho State Bar and was always willing to help out on disciplinary matters; although she refused to grade bar exams because she "would have given them all As." Oldham enjoyed attending the Bar's annual meetings, and often "pal'd around" with Mary Schmitt (number 13 on this list) of Gooding. Senior Idaho Falls attorney Ed Pike, who practiced with her in the upper Snake River Valley, remembers Mary as "a true lady and a very able practitioner."

Oldham's legal career marked many "firsts" for women lawyers in Idaho. In 1935, Oldham became the first woman to address the Idaho State Bar at its annual meeting (she spoke on the need for penal reform). And, in 1945, Oldham became the first woman attorney to serve as a judge in Idaho when she was elected as Justice of the Peace for Madison County, after running on both the Republican and Democratic tickets (Margaret Giesler, a non-attorney, was the first woman to serve as a judge in Idaho, serving as probate judge for Camas County in 1939.) As Justice of the Peace, Oldham was asked to administer the oath of office to Idaho Governor Arnold Williams in 1945. Given her many accomplishments, Oldham was asked by two different governors to be appointed to the Idaho Supreme Court, but declined each time.

Some of Oldham's other accomplishments include: Idaho director of the National Association of Women Lawyers; chairperson of the Republican Women's Organization; Soroptimist Woman of the Year in 1977; Rexburg Chamber of Commerce Outstanding Citizen Award in 1980; Chamber of Commerce Lifetime Achievement Award in 1997; Idaho State Bar's "Professionalism Award" for the Seventh District in 1996; inductee into the Idaho Water Users Association Hall of Fame in 1990; member of the National Federation of Business and Professional Women's Club; listed in Who's Who of America's Outstanding Women; one of the "gems" of Idaho in a University of Idaho beauty contest; and officer and member of the Rexburg Civic Club and Soroptimist Club. Oldham was a life-long member of the Church of Jesus Christ of Latter-Day-Saints and a great benefactor of annual scholarships at Ricks College (now BYU-Idaho).

Oldham died on January 26, 2002, survived by her two daughters, a stepson, stepdaughter, sixteen grandchildren and twenty-six great-grandchildren.

In 2002, the Idaho State Bar posthumously awarded Oldham with its highest honor, the Distinguished Lawyer award, which is presented to attorneys "who have distinguished the profession through exemplary conduct and many years of dedicated service to the profession and to Idaho citizens." In so doing, Oldham achieved yet another "first" by becoming the first Idaho woman to receive this honor.